THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.18165 OF 1998

DATED: 13-06-2007

Between:

Ch. Ramakrishna and another

.. Petitioners

and

The Dy. Registrar of Co-operative Credit Society, Eluru, W.G. District and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.18165 OF 1998

ORDER:

This writ petition is filed seeking a certiorari to call for the records pertaining to the order, dated 22.6.1998, of the 2nd respondent, under which the services of the petitioners were terminated without any notice and without any enquiry, but stated to have been on the notice issued by the 1st respondent, dated 12.5.1998, and quash the same as arbitrary and illegal.

It appears, the petitioners have been appointed as clerks in the 2nd respondent, a large sized cooperative credit society, in the year 1995 and their services were regularized, and they were put on regular time scale of pay applicable to the post of clerk. The petitioners served the society for more than three years without any complaint from any corner. While so, surprisingly, on 22.6.1998, the 2nd respondent passed the impugned order stating that under the instructions of the 1st respondent- Deputy Registrar of Cooperative Societies, Eluru, vide Lr.No.1764/97 C dated 12.5.1998, the petitioners were removed from service. It is the case of the petitioners that they worked for more than three years and their services are terminated without any notice to them and without conducting any enquiry, if any necessary, and the said action is arbitrary, illegal and in gross violation of principles of natural justice.

A detailed counter-affidavit has been filed by the 1st respondent denying the allegations made by the petitioners, but the allegation that

no notice of any kind was issued and no enquiry of any kind was conducted before passing of the impugned order was not denied. It is asserted that the writ petition itself is not maintainable against a cooperative society. It is further asserted that the appointment of the petitioners was made without prior approval from the 1st respondent, which is contrary to the rules, and, as such, the 2nd respondent was directed to remove the petitioners. Accordingly, the 2nd respondent passed the impugned order and, hence, the respondents have not committed any error in removing the petitioners from service.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side. Perused the impugned order and other material made available on record.

There is no necessity of going into all the details.

Before going into the merits of the case, insofar as the contention of the learned counsel for the respondents that the writ petition itself is not maintainable, it is to be made clear that the order, dated 12.5.1998, which is the basis for the impugned order, was passed by the Deputy Registrar of Cooperative Societies, Eluru, who is none other than the agent of the Government and, therefore, it cannot be said that the writ petition is not maintainable.

When coming to the merits of the case, it appears, since no prior permission was obtained from the 1st respondent-authority for appointment of the petitioners in the 2nd respondent-society, their services were sought to be terminated by the 1st respondent. But, after receipt of proceedings, dated 12.5.1998, issued by the 1st respondent, admittedly, no notice of any kind was issued to the petitioners, and the impugned order, dated 22.6.1998, removing the petitioners from

service, was passed by the 2nd respondent. Thus, absolutely, the said action of the 2nd respondent in passing the impugned order is not only arbitrary and illegal, but also in gross violation of principles of natural justice. Therefore, the impugned order, dated 22.6.1998, passed by the 2nd respondent is liable to be quashed and accordingly quashed. The respondents are directed to reinstate the petitioners with all consequential benefits.

The writ petition is accordingly allowed. No costs.

C.V. RAMULU, J

13th June, 2007.

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